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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Lifeline Rulemaking)	DOCKET NO. 14-999-06
Docket)	
)	COMMENTS OF UTAH RURAL
)	TELECOM ASSOCIATION ON THE
)	PROPOSED RULE AMENDMENTS
)	TO UTAH ADMIN. CODE R746-341
)	

On May 19, 2014, the Utah Public Service Commission (the “Commission”) issued an Order in Docket No. 14-999-06 which included the Revised Proposed Lifeline Rule R746-341 as Exhibit A. The Revised Proposed Lifeline Rule R746-341 was published in the Utah State Bulletin on June 15, 2014. The Commission’s May 19, 2014 Order provided that Comments on the Revised Proposed Rule R746-341 are due on or before July 15, 2014.

Utah Rural Telecom Association (“URTA”) on behalf of its members All West Communications, Inc., Bear Lake Communications, Inc., Beehive Telephone Company, Carbon/Emery Telcom, Inc., Central Utah Telephone, Inc., Direct Communications Cedar Valley, LLC, Emery Telephone, Manti Telephone Company, Skyline Telecom, South Central Utah Telephone Association, Inc., Strata Networks, and Union Telephone Company, hereby files these comments to address its remaining concerns to the Revised Proposed Rule.

In its comments below, URTA identifies each particular section of the rules for which URTA has concerns, and provides a general explanation of URTA's concerns. Specific proposed language changes are identified by URTA in the attached Exhibit A, which is a redlined version of the Commission's proposed r746-341:

Eligibility Requirements

R746-341-3 – Eligibility Requirements

While it can be inferred from this section that the administrator will verify customer eligibility for state ETCs, it is not clear that proof of eligibility must be verified by federal ETCs prior to enrolling a Lifeline customer (see 54.410(c)). Please see URTA's proposed changes in the attached redlined version, Exhibit A.

R746-341-3.A.8 – Head Start

The inclusion of Head Start (income qualifying only) as a qualifying program for non-tribal land residents is inconsistent with the federal rules. Under the federal rules, Head Start is only an eligibility criterion for residents of federally recognized tribal lands (see §54.409(b)); it is not a criterion for regular Lifeline customers. See URTA's proposed changes in Exhibit A.

R746-341-3.B – Tribal definition

The definition of who may qualify for Lifeline under this paragraph is confusing. To qualify for Tribal Lifeline a customer need only (1) meet the eligibility criteria listed under this section, (2) live on federally-recognized tribal lands, and (3) certify that he or she lives on federally-recognized tribal lands. The FCC's rules do not require customers to opt-in to receive tribal Lifeline, nor must they choose tribal support or non-tribal support as tribal

support is a supplement to non-tribal support. By meeting the criteria noted above, the customer is entitled to the additional discount. Indeed, “for each qualifying low-income consumer receiving Lifeline service, the reimbursement amount shall equal the federal support amount, including the support amounts described in §54.403(a) and (c)” (see 47 CFR §54.407(b)). See attached URTA’s proposed changes in Exhibit A.

R746-341-5.A.7 and B.3– Duties of ETCs

The statement “Each ETC shall update the NLAD to reflect the change in the participant’s status” is not consistent with current NLAD procedures. In the event that a Lifeline customer gives affirmative consent to transfer his Lifeline discount from Company A to Company B, Company B must make the update in NLAD. A notice is then generated notifying Company A of the transfer. Company A must remove the discount from its billing system within five business days, but there is no NLAD update required of Company A. See URTA’s proposed changes in Exhibit A.

R746-341-5.A.8 – Duties of ETCs

ETCs must file one FCC Form 497 per month, not per year. While most ETCs elect to file monthly, others file quarterly or less frequently as there is no actual due date in the rules. As an administrative requirement, ETCS have one year to file a Form 497 and still get reimbursed; meaning that an ETC could delay submitting its December 2014 form until January 2016. As previously recommended, Utah may want to consider following the federal timeline for its annual recertification review. See URTA’s proposed changes in Exhibit A.

Respectfully submitted this 15th day of July, 2014.

BLACKBURN & STOLL, LC

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Association

CERTIFICATE OF SERVICE
Docket No. 14-999-06

I hereby certify that on the 15th day of July, 2014, I served a true and correct copy of Utah Rural Telecom Association's Comments On the Revised Proposed Rule R746-341 via e-mail transmission to the Public Service Commission Distribution list in this docket and the following persons at the e-mail addresses listed below:

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